



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

TESTIMONY PRESENTED BEFORE THE COMMITTEE ON JUDICIARY March 11, 2009

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Senate Bill 1091 - An Act Concerning Complaints Pending in the Department of Public Health Against Physicians and Other Health Care Providers

The Department of Public Health has several concerns with regard to Senate Bill 1091.

Senate Bill 1091 would require the Department to provide information to a patient or representative of a patient who files a complaint with the Department with at least a monthly update concerning the status of the investigation. **Based on our current caseload, this requirement will result in a fiscal impact to the Department, as it cannot be accomplished within existing resources.**

Additionally, this bill would require the Department to allow the patient or the patient's representative to provide testimony prior to any finding of no probable cause or prior to dismissing a case. The Department acknowledges the importance of hearing from patients, and in 2008 changed its process to ensure that complainants are interviewed as part of every investigation. In the event that a case is dismissed as a result of a finding of no probable cause, or prior to a disciplinary proceeding, there would be no occasion for a patient or the patient's representative to testify.

This bill would also require the Department to allow the patient or the patient's representative to attend and provide testimony at any hearing held with respect to the investigation. The purpose of the disciplinary actions brought by the Department is to protect the public from unsafe practitioners. The hearing process is generally adversarial in nature, with both the Department and the health care practitioner allowed to challenge each other's case. In determining whether to call a particular witness, the Department decides on a case-case-basis whether such witness's testimony will support its case. Often times the complainant is called as a witness. However, the Department also decides in some cases that the testimony of certain interested parties will not be offered because, in the opinion of the Department, such testimony would not help, and, in fact, might hinder case prosecution. If in such cases the witness is allowed to testify, and the testimony is inconsistent with or contradictory to the evidence presented by the Department, the result could be the dismissal of the case.

Finally, this bill seeks to modify the provisions regarding the disclosure of information pertaining to physician investigations. The proposed language is not clear in terms of the type of information that the Department would be required to disclose.

Thank you for your consideration of the Department's views on this bill.

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